THE HON'BLE MR JUSTICE B. PRAKASH RAO

AND

THE HON'BLE MR JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL No.53 of 2006

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JUDGMENT: (PER THE HONOURABLE BPR,J)

Heard both sides and at their request the main appeal itself is taken up for disposal.

The appellant is the writ petitioner, who challenges in this appeal the order of rejecting an application filed under Section 5 of Limitation Act seeking condonation of delay of 96 days in filing an application to set aside the order, dated 14.06.2004 passed in WP.No.13682 of 1995, whereunder the writ sought for was dismissed.

It is now pointed out that even though the counsel for the petitioner filed vakalat, his name was not printed in the cause list and the matter was disposed of without hearing the counsel. Therefore, the order, dated 14.06.2004, is liable to be recalled for fresh consideration.

Having regard to the facts and circumstances of the case, we deem it appropriate that an opportunity may be given for hearing, so that the parties can receive a judgment on merits.

Accordingly, writ appeal is allowed. The delay in filing the application to set aside the order, dated 14.06.2004, is condoned and the order, dated 14.06.2004 is set aside. Office is directed to post the WP.No.13628 of 1995 before the regular court hearing the final hearing matters.

B. PRAKASH RAO, J

P. LAKSHMANA REDDY, J

Date: 24.01.2006

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